

SIXTH DAY

(Wednesday, January 17, 1945)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Spears
Graves	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Vick
Martin	Weinert
Mauritz	Winfield
Metcalf	York

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Hazlewood was granted leave of absence for today on account of important business on motion of Senator Winfield.

Report of Legislative Audit Committee

Senator Lanning submitted the following report of the Legislative Audit Committee:

To the 49th Legislature:

Senate Bill No. 27 as enacted by the 48th Legislature was a new State Auditor law whereby the State Auditor was brought directly under the Legislature through the Legislative Audit Committee created in the Bill.

This Legislative Audit Committee is composed of the Lieutenant Governor, the Chairman of the Finance Committee of the Senate, the Chairman of the Committee on State Affairs of the Senate, the Speaker of the House of Representatives, the Chairman of the Appropriations Committee of the House of Representatives, and the Chairman of the Rev-

enue and Taxation Committee of the House of Representatives, with the provision that in the absence of any such Chairman the Vice Chairman of such Committee shall act. The Committee appoints the State Auditor, subject to confirmation by the Senate, and has the duty of supervising generally the activities of the State Auditor and his office. Section 10 of the Act provides that the State Auditor shall immediately report to the Legislative Audit Committee (as well as to the Governor and certain others) any evidences he may find in any State Department, etc., of improper practices of financial administration or of any general incompetence of personnel or inadequacies of fiscal records. The Legislative Audit Committee then reviews the State Auditor's findings and may hold hearings with the Department, etc., head, or heads, concerning same. After holding such hearings the Legislative Audit Committee is to make a report to the Department head or heads, setting forth its conclusions in such matter and may request the removal or replacement of the incompetent personnel or the installation of the necessary fiscal records. The Legislative Audit Committee is to report to the Legislature any refusal of Department heads to remedy such incompetency or the installation of the proper fiscal records.

This Committee convened and organized itself on August 10th, 1943, the effective date of the Act. The Lt. Governor, John Lee Smith, was selected as Chairman and J. E. Winfree, Chairman of the House Committee on Revenue and Taxation, was elected Secretary. At that meeting the Committee selected C. H. Cavness as State Auditor until February 15th, 1945, the end of the first two-year term as provided in the Act.

This Committee has met seven times since its organization and has exercised general supervision over the State Auditor and his Department to the extent provided in the Act, and this Committee's records as such are of course open to the inspection of any Member of the Legislature. As to the general activities of the State Auditor's Department, we respectfully refer the Legislature to the last two Annual Reports filed by the State Auditor on his Department's financial operations and functional ac-

complishments. From August 10th, 1943 to January 8th, 1945 the State Auditor has released 56 Audit and other Reports and at this time has 21 audits in progress, with several in the final stages. The Report on the audit of the Texas Prison System, the biggest job ever done by the State Auditor's Office, will be released shortly—it is anticipated that this will be a very informative Report.

During the tenure of this Committee State Auditor Cavness has referred two matters to the Committee for investigation and decisions. These were in connection with his audits of the State Department of Education and of the Bureau of Labor Statistics.

On February 15th, 1944 this Committee held a hearing with L. A. Woods, State Superintendent of Public Instruction, and certain employees of the State Department of Education, to inquire into the Auditor's charges of "improper practices of financial administration" within that Department. On March 15th, 1944, this Committee held a hearing with John D. Reed, Labor Commissioner, on charges of State Auditor Cavness in connection with his audit of the Bureau of Labor Statistics, this also being on "evidence of irregular transactions."

At the conclusion of each of these hearings the Legislative Audit Committee made its findings and reported them to the Department heads affected—and in both instances the said Department heads refused to comply with the Committee's requests. Complete copies of the State Auditor's "Preliminary Report," containing his charges, and of this Committee's findings, etc., in each case are attached hereto and made a part hereof for all purposes.

Respectfully Submitted,

LEGISLATIVE AUDIT COMMITTEE

January 8th, 1945

By **JOHN LEE SMITH**,
Lt. Governor, and Chairman.

J. E. WINFREE,
Secretary, Chairman of the
House Revenue and Tax-
ation Committee.

R. C. LANNING,
Member, Chairman of the
Senate Finance Commit-
tee.

GEORGE MOFFETT,
Member, Vice Chairman of
the Senate Committee on
State Affairs.

M. A. (Bill) BUNDY,
Member, Chairman of the
House Appropriations
Committee.

On motion of Senator Lanning, the report was ordered printed in the Journal.

Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Stanford:

S. B. No. 47, A Bill to be entitled An Act amending Article 7150, Revised Statutes, 1925, and amendments thereto, by adding Section 20, defining property of incorporated cities and towns devoted exclusively to use and benefit of the public and exempt from taxation; canceling taxes assessed against property so devoted; and declaring an emergency.

To Committee on Civil Jurisprudence.

By Senators Stanford, Stone, Mauritz, Morris and Graves:

S. B. No. 48, A Bill to be entitled An Act providing for a more secret ballot; amending Article 2980, Title 50, Chapter 7, of the Revised Civil Statutes of Texas, 1925; amending Article 2990, Title 50, Chapter 7, of the Revised Civil Statutes of Texas, 1925; amending Article 3008, Title 50, Chapter 8, of the Revised Civil Statutes of Texas, 1925; amending Article 3012, Title 50, Chapter 8, of the Revised Civil Statutes of Texas, 1925, concerning the depositing of the ballot after it has been prepared by a citizen; providing for the procedure to be followed by the election judges and clerks in handling such prepared ballot; providing for the procedure to be followed by the citizen after having prepared his ballot; making it unlawful for any person to willfully open the ballot box wherein perforated portions of the ballot have been deposited, or cause same to be opened or in any manner willfully reveal the contents of said ballot box or cause or permit the same to be revealed and making of each such unlawful acts a

felony and providing for the punishment of any person guilty of committing such unlawful acts; amending Article 3015, Title 50, Chapter 8, of the Revised Civil Statutes of Texas, 1925; amending Article 3018, Title 50, Chapter 8, of the Revised Civil Statutes of Texas, 1925; amending Article 3109, Title 50, Chapter 13, of the Revised Civil Statutes of Texas, 1925; amending Article 3122, Title 50, Chapter 13, of the Revised Civil Statutes of Texas, 1925; providing for a saving clause; repealing all laws or parts of laws in conflict with this Act to the extent of such conflict only; and declaring an emergency.

To Committee on Civil Jurisprudence.

By Senator Knight:

S. B. No. 49, A Bill to be entitled An Act to amend Article 4748 of the Revised Civil Statutes of Texas, 1925; [relative to impairment of capital stock of life insurance companies], and declaring an emergency.

To Committee on Insurance.

By Senator Chadick:

S. B. No. 50, A Bill to be entitled An Act declaring public policy and creating a State Board of School Safety Supervision; prescribing the authority, powers, and duties thereof; providing for personnel; providing that no public monies shall be expended except upon certain conditions, and declaring an emergency.

To Committee on State Institutions and Departments.

Senate Resolution 13

Senator Carney offered the following resolution:

Whereas, Honorable E. Harold Beck who was a member of this body for many years with much distinction and honor and rendered a most valuable service to his district and the entire State, is now at the bar of the Senate, now therefore

Be it Resolved that Senator Beck be invited to address the Senate at this time and be extended the privileges of the floor during his stay in the city.

CARNEY
METCALFE
WINFIELD
JONES
AIKIN

The resolution was read and was adopted.

Accordingly, the President appointed Senators Carney, Metcalfe, Winfield and Jones as a committee to escort Hon. E. Harold Beck to the President's desk.

The committee performed the duty assigned it, and the President presented Hon. E. Harold Beck, who addressed the Senate briefly.

Senate Resolution 14

(Invitation to Choir)

Senator York offered the following resolution:

Whereas, The A Cappella Choir of the Stephen F. Austin High School of Bryan, Texas is recognized as one of the most outstanding choirs of this type in the State; and

Whereas, This choir is made up of beautiful voices, directed by a most capable director, Euell Porter; and

Whereas, This choir clearly portrays the results of efforts that are being made to develop the talents of our present generation; now, therefore, be it

Resolved, By the Senate of Texas, that the A Cappella Choir of Stephen F. Austin High School, Bryan, Texas, together with its director, Euell Porter, be extended an invitation to appear before the Senate on February 21, 1945, at 11:00 a. m. and render some musical selections.

The resolution was read and was adopted.

Senate Resolution 11

(Investigating Committee)

The President laid before the Senate for consideration at this time (the resolution having been introduced and read on yesterday):

S. R. No. 11, Providing for a general Senate investigating committee. The resolution then was adopted.

Senate Resolution 12

The President laid before the Senate (the resolution having been introduced and read on yesterday):

S. R. No. 12, Providing for the appointment of a standing committee of the Senate to be designated as the "Committee on Veterans' Affairs."

Senator Moore called for a second reading of the resolution.

The resolution was read second time.

Senator Moffett moved that the rule requiring reference of resolutions to amend the Senate rules to the Committee on Rules be suspended and that the Senate act on the resolution immediately.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Spears
Graves	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Vick
Martin	Weinert
Mauritz	Winfield
Metcalfe	York

Absent—Excused

Hazlewood	Shivers
Kelley	

The resolution then was adopted.

Senate Resolution 15

(Thanking Personnel of Station KNOW).

Senator Stanford offered the following resolution:

Whereas, The Honorable Hardy C. Harvey of Austin, Texas, Manager of Radio Station KNOW in Austin, Texas, the Honorable Allan Ezell of Austin, Texas, Program Director, and Honorable Jimmy Lewis of Austin, Texas, Chief Engineer in charge of technical arrangements, rendered invaluable service to the joint Inaugural Committee in charge of the Inauguration of Governor Coke R. Stevenson and Lieutenant Governor John Lee Smith on the 16th day of January, 1945, by broadcasting the program direct from the House of Representatives in Austin, Texas, over said Radio Station KNOW; and

Whereas, Each of the above named citizens worked diligently and faithfully with said Committee before the broadcast and were wholly responsible for the splendid success of the broadcast of the program; and

Whereas, Your Committee is indeed grateful to Mr. Harvey, Mr. Ezell and Mr. Lewis for their said help and service; now, therefore, be it

Resolved, That the Senate of Texas expresses its thanks and gratitude to said Messrs. Harvey, Ezell and Lewis; and

Be It Further Resolved that a copy of this resolution be sent to each said named citizens.

STANFORD
WINFIELD
BULLOCK
LANNING
STONE

The resolution was read and was adopted.

Senate Resolution 16

(Thanking Personnel of Stations KTBC and KRLD).

Senator Stanford offered the following resolution:

Whereas, The Honorable Pat Adelman of Austin, Texas, Manager and Announcer of Radio Station KTBC in Austin, Texas, the Honorable Paul Bolton of Austin, Texas, Commentator, and Honorable J. Lee Seay of Austin, Texas, Engineer, rendered invaluable service to the joint Inaugural Committee in charge of the Inauguration of Governor Coke R. Stevenson and Lieutenant Governor John Lee Smith on the 16th day of January, 1945, by broadcasting the program direct from the House of Representatives in Austin, Texas, over said Radio Station KTBC; and

Whereas, Honorable Jim Crockett of Radio Station KRLD also assisted in said broadcast; and

Whereas, Each of the above named citizens worked diligently and faithfully with said Committee before the broadcast and were wholly responsible for the splendid success of the broadcast of the program; and

Whereas, Your Committee is indeed grateful to Mr. Adelman, Mr. Bolton, Mr. Seay, and Mr. Crockett for their said help and service; now, therefore, be it

Resolved, That the Senate of Texas expresses its thanks and gratitude to said Messrs. Adelman, Bolton, Seay and Crockett; and

Be It Further Resolved that a copy

of this resolution be sent to each said named citizens.

STANFORD
WINFIELD
BULLOCK
LANNING
STONE
JONES

The resolution was read and was adopted.

Advance Printing of Senate Bill 18

On motion of Senator Moore, and by unanimous consent, it was ordered that S. B. No. 18 be printed in advance of its consideration in committee.

Committee on Veterans' Affairs

The President announced the appointment of the following Committee on Veterans' Affairs:

Senator Martin, Chairman; Senator Moffett, Vice Chairman; Senators Aikin, Metcalfe, Crawford, Taylor, Weinert, Graves, Spears, Shivers, Winfield, and Moore.

Senate Bill 44 Re-referred

On motion of Senator Moffett, S. B. No. 44 was re-referred from the Committee on State Affairs to the Committee on Veterans' Affairs.

Communication from Chief Justice of Supreme Court

The President laid before the Senate, and directed the Secretary to read, the following communication:

January 16, 1945.

To the Senate of the
Forty-ninth Legislature.
Gentlemen:

I hereby respectfully ask the advice, consent, and confirmation of the Senate with respect to the appointment of the Honorable Walter C. Strong, of Rusk County, Texas, to office as one of the members of the Board of Pardons and Paroles of the State of Texas for the term of six years beginning February 1, 1945. I attach hereto copy of my order appointing the said

Walter C. Strong to said office.

Respectfully submitted,
JAMES P. ALEXANDER
Chief Justice,

The Supreme Court of Texas.

The communication was read and was referred to the Committee on Nominations of the Governor.

Executive Session

At 10:45 o'clock a. m., Senator Winfield asked unanimous consent of the Senate that an executive session of the Senate be held immediately.

There was no objection offered.

Accordingly, the President directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and he instructed the Sergeant-at-Arms and Doorkeeper to keep closed all doors leading from the Chamber.

After Executive Session

The President called the Senate to order as in legislative session at 12:20 o'clock p. m.

Amendment of Caucus Report

Senator Morris moved that the caucus report (S. R. No. 1) be amended by adding to the list of officers and salaries named therein a Temporary Sergeant-at-Arms at \$7.50 per day, and by changing the per diem of the following officers to the amounts shown opposite their titles, as follows:

Engrossing and Enrolling

Clerk	\$9.00
Journal Clerk	8.50
Assistant Journal Clerk	6.00
Mailing Clerk	7.50
Postmaster	7.50
Calendar Clerk	8.50
Assistant Calendar Clerk	6.00
Assistant Secretary of Senate	6.00

The motion prevailed.

Adjournment

On motion of Senator York, the Senate, at 12:25 o'clock p. m., adjourned until 10:30 o'clock a. m. tomorrow.

In Memory of Senator Clay Cotten

Senator Taylor offered the following resolution:

(Senate Resolution 17)

Whereas, On the 16th day of August, 1944, our Almighty God called from his earthly existence Senator Clay Cotten; and

Whereas, This distinguished gentleman was a member of the Senate of Texas during the Forty-fourth, Forty-fifth, Forty-sixth, Forty-seventh, and Forty-eighth Legislatures; and

Whereas, Senator Cotten was honored by having served as President Pro Tempore and as Dean of the Senate of Texas; and

Whereas, in his passing his District and the State as a whole have lost a highly esteemed and useful citizen, whose ability, energy, and initiative made him an outstanding leader in his chosen profession of law and in his capacity of serving as a citizen; and

Whereas, he always contributed generously of his time and talent to the humanitarian interests and welfare of his fellow citizens and to the best interest of good government in his State and Nation, so that his loss will be greatly felt by our State and its citizens; and

Whereas, he filled all the years allotted to him with devoted service to his family, his friends, and to humanity; and

Whereas, it is the desire of the Senate of Texas to recognize and to pay tribute to the services and the useful life of this outstanding Texan, Senator Clay Cotten, and to express sympathy to his family; now, therefore, be it

Resolved by the Senate of Texas, That the life of this esteemed citizen is a loss to the whole State and that a copy of this resolution be sent to the members of his family as a tribute to the life of Senator Clay Cotten; and be it further

Resolved, That upon adjournment today the Senate do so in respect to the memory of Senator Clay Cotten.

TAYLOR
MAURITZ

Signed—John Lee Smith, Lieutenant Governor; Senators Aikin, Brown, Bullock, Carney, Chadick, Crawford, Graves, Hazlewood, Jones, Kelley, Knight, Lane, Lanning, Martin, Mauritz, Metcalfe, Moffett, Moore, Morris, Parrish, Ramsey, Shivers, Spears, Stanford, Stone, Sulak, Taylor, Vick, Weinert, Winfield, York.

The resolution was read.

On motion of Senator Winfield, the names of the Lieutenant Governor and all members of the Senate were added to the resolution as signers thereof.

The resolution then was adopted unanimously by a rising vote.